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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,422	03/22/2001	Satoru Suzuki	09812.0161-00000	4553

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EXAMINER

COLBERT, ELLA

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/815,422

Applicant(s)

SUZUKI ET AL.

Examiner

Ella Colbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-43 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-43 are pending in this communication filed 03/22/01.
2. The Change in Power of Attorney and Correspondence Address Change filed 09/06/05 has been entered.
3. The Miscellaneous Letter filed 10/28/05 has been entered and reviewed.

Election/Restrictions

4. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-7 and 30-33, drawn to an apparatus, a charge processing device, and a storage medium for charging for Central Processing (CPU) time, classified in class 709, subclass 201.
 - II. Claims 8, 14-16, 17-28, and 35, drawn to an electronic apparatus and a system for settlement date monitoring, verification, and notifying, classified in class 701, subclass 96.
 - III. Claims 9, 13, and 29, drawn to an electronic apparatus and a charging method for computing a chargeable time by weighting the used time measured according to different weighting factors, classified in class 705, subclass 418.
 - IV. Claims 10-12, drawn to an electronic device for text input detection, judging, and time charging, classified in class 705, subclass 40.
 - V. Claim 34, drawn to a prepaid card, classified in class 705, subclass 39.
 - VI. Claims 36 and 37, drawn to a money apparatus with a flat plate-like body with an electronic circuit, classified in class 705, subclass 65.

- VII. Claims 38 and 39, drawn to a money selling device for selling a money apparatus, classified in class 235, subclass 379.
- VIII. Claims 40-43, drawn to and exchange rate announcing apparatus for determining the exchange rate based on used time, classified in class 705, subclass 44.

Inventions I and II are related as apparatus and product made. The inventions in this relationship are distinct if either or both of the following can be shown: (1) that the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a different product or (2) that the product as claimed can be made by another and materially different apparatus (MPEP § 806.05(g)). In this case as claimed Invention I requires

(a) an operating inputting means, a function executing means, a measuring means, and a chargeable amount computing means, a receiving means, a chargeable time computing means, a storing means, and measuring an executable time which can be used in the area of charging and calculating any machine time used.

Invention II can be used for

(a) settling the charges when a settlement date monitoring means has verified the settlement date has been reached.

Inventions III and IV are related as apparatus and product made. The inventions in this relationship are distinct if either or both of the following can be shown: (1) that the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a different product or (2) that the product as claimed

can be made by another and materially different apparatus (MPEP § 806.05(g)). In this case as claimed Invention III requires

(a) an operating inputting means, used time measuring means, and a chargeable time computing means for computing a chargeable time by weighting the used time measured by the used time measuring means which can be used in the area of charging, weighting, and calculating any time used in a time sharing environment.

Invention IV can be used for

(a) detecting the text input by a detecting means and setting an electronic apparatus in a time charging mode depending on the result of a judgment.

Inventions V and VI are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions as claimed Invention V requires

(a) an electronic apparatus to which a prepaid card is attached and updated information about the usable time.

Invention VI requires

(a) a money apparatus with a flat plate-like body with an electronic circuit with a memory for storing currency units, a communicating part for exchanging data and transmitting the data read from the memory.

Inventions VII and VIII are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as

claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case Invention VII requires

(a) a money apparatus selling device for selling a money apparatus, a loading part for loading into the money apparatus with a memory for storing virtual currency units, a communicating part for exchanging data, a controlling part that stores data received, and transmits the data read from memory, an operating means, a display part, an exchange rate displaying means, a money amount displaying means, a money inlet port, a money collecting means, a change returning means, and a transmitting means for transmitting information.

Invention VIII requires

(a) an exchange rate announcing apparatus for announcing the exchange rate for the virtual currency, a collecting means for collecting information about a used time, an exchange rate determining means for determining the exchange rate based on the used time collected by the collecting means, an announcing means, and a unit of the virtual currency being constituted by a used time.

Invention VII can be used to load the money for storing in memory, communicating the exchange data, updating the virtual currency units in memory, transmitting the data read from memory, inputting the virtual currency units desired to be bought, storing an exchange rate, displaying an exchange rate on a screen, acquiring the money amount that is displayed, a money inlet port which bank notes and coins can be entered, counting bank notes and coins, returning the change left after the collection of money, and transmitting the information representing the virtual currency

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units desired and Invention VIII can be used for announcing the exchange rate in Invention VII and for collecting the information about a used time, determining the exchange rate based on the used time collected, and the currency being constituted by a used time and converting the virtual currency according to the exchange rate.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, Group III, Group IV, Group V, Group VI, Group VII, and Group VIII, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicants' are advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Tuesday-Thursday, 6:30AM-4:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



E. Colbert
Primary Examiner
December 8, 2005